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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,353	07/02/2004	Connie Gurley	45550.0200	4352
20322	7590	08/28/2007	EXAMINER	
SNELL & WILMER L.L.P. (Main)			VANAMAN, FRANK BENNETT	
400 EAST VAN BUREN			ART UNIT	PAPER NUMBER
ONE ARIZONA CENTER				
PHOENIX, AZ 85004-2202			3618	
			MAIL DATE	DELIVERY MODE
			08/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/710,353	GURLEY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Frank Vanaman	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 06 July 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-4, 8, 11, 12, 14 and 15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 8, 11, 12, 14, 15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **Status of Application**

1. Applicant's Amendment, filed July 6, 2007, has been entered in the application. Claims 1-4, 8, 11, 12, 14 and 15 are pending. Claims 5-7, 9, 10, and 16-27 are canceled.

### **Withdrawal of Allowable Subject Matter**

2. The allowability of the subject matter of previous or current claims 6 (now present in claim 1) and 8 has been withdrawn in view of the newly discovered reference to Boucher et al. (US 4,805,937). The examiner apologizes for the late citation and application of this reference.

### **Claim Rejections - 35 USC § 103**

3. Claims 1, 2, 8, 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landine (US 6,517,155) in view of Groglio (US 5,649,718) and Boucher et al. (US 4,805,937). Landine teaches a liner device usable with a shopping cart (figure 3) having a front, back and pair of sides (40, 40T) as well as a handle (42) and child seating area (proximate 44) positioned adjacent the basket, the liner device being made from a printable non-padded paper (col. 2, lines 52-54) and including a further plastic material coating which renders the liner non-porous, the liner further including at least a connecting portion (35, 37, 38, 39) for connecting the liner with the cart. The reference to Landine fails to teach the provision of a further portion of the liner which engages the cart basket front, rear and sides, and includes a handle, being further convertible to a carrier. Groglio teaches that it is well known to provide a shopping cart having a basket (which cart may additionally accommodate seating for a passenger) with a further attachable liner (40 in general) which engages front, rear, lateral and bottom sides of a cart, the liner being made from a non-padded material, having a handle (42) and being arranged to operate as a carrier (see col. 9, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the liner arrangement of Landine with a further portion in communication therewith, which further lines the front, rear and lateral sides of the cart, as suggested by Groglio, for the purpose of ensuring more complete coverage of the cart structure than may be had with the liner arrangement taught by Landine. As

regards the material taught by the further basket-lining portions (i.e., in Groglio), in view of the well known advantage of non-porous materials (i.e., prevention of liquid exchange), it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the material of the liner taught by Groglio from the same non-porous material as taught by Landine, for the purpose of preventing liquid spills, for example when the liner is used as a container or carrier. The reference to Landine as modified by Groglio fails to teach a cart handle liner and removable tab element for connecting the liner to the cart, wherein the tab is removable from the liner. Boucher et al. teach a liner (12, 14, 16, 18) for a shopping cart (C), the liner including a handle liner portion (12) and further being provided with a tab (20) which assists in affixing the liner and cart (e.g., by passing through the cart structure - note figure 1), and which is provided with releasable connections at both ends (24, 26, 28) so as to be removable from the liner. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the liner taught by Landine as modified by Groglio with a handle liner as taught by Boucher et al. for the purpose of (1) supporting various entertainment items and (2) to protect against the transference of germs. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one tab as taught by Boucher et al. for connecting the liner and cart as a removable tab for the purpose of allowing a simplified connection disconnection of the liner and cart (e.g., through the use of the fasteners at both ends).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landine in view of Groglio, Boucher et al. and Ostrowski (US 4,991,978). The reference to Landine as modified by Groglio and Boucher et al. is discussed above and fails to teach the liner as including a drawstring with a drawstring fastener. Ostrowski teaches a combination device which may be used open or closed up to form a carrier bag, being provided with a drawstring (18) and a fastener (20) for closing the device when used as a carrier (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system taught by Landine as modified by Groglio and Boucher et al. with a drawstring and fastener closure (in place, for example, of the zipper fastener), as taught by Ostrowski, for the purpose of allowing the system to be

closed quickly, and additionally to prevent snagging of clothing or other items when the carrier system is being closed for use as a carrier.

#### **Response to Comments**

5. Applicant's comments, filed with the amendment, are noted. As regards the allowability of the pending claims, the examiner notes that the features recited in previously pending claims 6 and 8 are taught, to the breadth claimed, by the newly discovered reference to Boucher et al. The examiner apologizes for any confusion associated with the late discovery, citing and application of this reference, but notes that it is at least preferable that a pertinent reference be cited and applied prior to the issuance of an application as a U.S. Patent, rather than be brought to light at a later date.

#### **Conclusion**

6. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

  
8/20/07